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WAL-MART STORES, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF THE UNITED STATES

JUANITA MARTINDALE,)	Case No. 2:04-cv-1909-MCE-GGH
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER FOR CONTINUANCE OF
)	TRIAL
WAL-MART STORES, INC., and DOES 1)	
through 10, inclusive)	
)	
Defendants.)	
_____)	

TO THE COURT AND ALL PARTIES:

Plaintiff JUANITA MARTINDALE and Defendant WAL-MART STORES, INC., by and through their respective attorneys of record, herein agree and stipulate to a continuance of the trial date as good cause exists for the continuance, as described below.

IT IS HEREBY STIPULATED by and between the parties through their attorneys of record that the trial date be continued for a date convenient to the Court after September 25, 2006. Both parties are available for trial on the following dates: September 25, 2006 through October 20, 2006, and November 6, 2006 through November 22, 2006. The trial should last no longer than five to six days.

The trial is currently set for July 12, 2006, with the pre-trial conference set for June 5, 2006. The parties would like to engage in one final attempt to settle the matter and have scheduled a settlement conference with Magistrate Judge Gregory Hollows for June 12, 2006,

1 his earliest available date. The pre-trial conference, however, is scheduled prior to the
2 settlement conference. If the parties ultimately settle the matter on June 12, 2006, the June 5,
3 2006 pre-trial conference and July 12, 2006 trial would be unnecessary. Thus, a continuance of
4 the trial date would provide the parties an opportunity to engage in settlement discussions and
5 possibly avoid unnecessary use of the Court's time.

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7 Dated: April ___, 2006

PHILLIPS, SPALLAS & ANGSTADT LLP

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9 _____/S/
10 By: Gregory L. Spallas
11 Kristi A. Nguyen
12 Attorneys for Defendant
WAL-MART STORES, INC.

13 Dated: April ___, 2006


LAW OFFICES OF SCOTT JOHNSON

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16 _____/S/
17 By: Scott Johnson
18 Attorneys for Plaintiff
JUANITA MARTINDALE

19
20 **ORDER**

21 Pursuant to the Stipulation, IT IS HEREBY ORDERED that the trial be continued to
22 November 8, 2006 at 09:00 a.m. The pretrial conference is reset for September 18, 2006 at
23 03:30 p.m. Parties shall file a joint pretrial statement on or before September 5, 2006.

24 Dated: April 28, 2006

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27 MORRISON C. ENGLAND, JR.
28 UNITED STATES DISTRICT JUDGE